

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
VALDOSTA DIVISION**

AMY JO FILLMORE,

Plaintiff,

v.

**CAROLYN W. COLVIN,
Acting Commissioner, Social
Security Administration,**

Defendant.

Civil Action No. 7:13-cv-00131-HL-TQL

ORDER

This case is before the Court on Plaintiff's Motion for Attorney's Fees Under the Social Security Act. (Doc. 17). For the following reasons, Plaintiff's motion, as amended in her Reply Brief (Doc. 19), is granted.

On May 6, 2015, Plaintiff timely filed a Motion for Attorney's Fees, pursuant to 42 U.S.C. § 406(b). Plaintiff asked the Court to approve a fee of \$12,495.50 for approximately 5.05 hours of attorney services. (Doc. 17-1, p. 3). In her response to Plaintiff's motion, the Commissioner acknowledges that Plaintiff's counsel is entitled to payment of attorney's fees, but argues that the amount requested "represents a windfall" and should be reduced. (Doc. 18, pp. 1, 3). Plaintiff filed a Reply Brief and Amendment to her Motion for Attorney's Fees on June 4, 2015, acknowledging that the fees sought in the initial motion were excessive and amending the motion to seek \$2,500 in fees. (Doc. 19).

The Social Security Act provides that, when a court renders a judgment for a claimant who was represented before the court by an attorney, the court may determine and allow as part of its judgment a reasonable fee for such representation. 42 U.S.C. § 406(b). The fee awarded may not exceed 25 percent of the total of the past-due benefits to which the claimant is entitled by reason of such judgment. Id. Within the 25 percent limitation, the court should assess the reasonableness of the fee sought, in light of the services rendered. Gisbrecht v. Barnhart, 535 U.S. 789, 808 (2002).

Here, Plaintiff was awarded \$73,982.00 in past-due benefits. (Doc. 17-1, p. 1). Plaintiff's counsel contends that he is entitled to a fee for the services rendered in obtaining this judgment. The Commissioner's sole objection to Plaintiff's request—the excessive amount of fees sought—appears moot in light of Plaintiff's amendment to the amount requested in her Reply Brief. Finding that Plaintiff's amended request for fees yields a reasonable result given the services rendered, the Court awards the requested amount of \$2,500.00, representing 5.05 hours of attorney representation between September of 2013 and March of 2014.

SO ORDERED this 1st day of February, 2016.

s/ Hugh Lawson
HUGH LAWSON, SENIOR JUDGE

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